

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: JOHN C. FLAGLER, : Case No. 17-16997REF  
Debtor : Chapter 7

**ORDER**

AND NOW, this 6 day of April, 2018, upon my consideration of the motion filed by Francis E. Templin (“Mr. Templin”) for an examination of Debtor pursuant to Bankruptcy Rule 2004 (the “2004 Motion”) and the response thereto filed by Debtor, and after a hearing on April 4, 2018 on the 2004 Motion, during which hearing I entered a Bench Order denying the 2004 Motion based upon my statements made in Court, in particular pursuant to my finding and conclusion that because the disputes between the parties arose in the midst of litigation of contested matters, the proper procedural vehicle for Mr. Templin to obtain the information he was seeking was through the discovery rules, not through a 2004 Motion,

IT IS HEREBY ORDERED that the Bench Order I entered on April 4, 2018, denying the 2004 Motion IS HEREBY REAFFIRMED.<sup>1</sup>

BY THE COURT

  
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RICHARD E. FEHLING  
United States Bankruptcy Judge

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<sup>1</sup> The April 4, 2018 hearing covered five different contested matters. I entered two Bench Orders during this hearing denying Mr. Templin’s 2004 Motion. The first Bench Order, which was entered before most of the remaining contested matters had been heard, denied the 2004 Motion without prejudice to Mr. Templin’s ability to obtain the information he was seeking through discovery. The second Bench Order, which was entered after the remaining contested matters had been heard, denied the 2004 Motion without mentioning whether the denial was with or without prejudice. Because the second Bench Order was silent on whether it was entered with or without prejudice, it is interpreted to be without prejudice to Mr. Templin’s ability to obtain the information he was seeking through discovery, although all contested matters between the parties have now been heard and decided.